UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,508	10/14/2005	Kenji Morimoto	OKUDP0137US	7432

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/553,508	MORIMOTO ET AL.
	Examiner	Art Unit	
	ASHER KHAN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04/20/2010</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>19-32 and 34-38</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19-32 and 34-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20100708

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 19, 25 and 30 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 19-32 and 34-38 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Patent 6,330,365 B1 to Yasuda et al. "Yasuda" in view of

U.S. Patent Pub. 2006/0093315 A1 to Kelly et al. "Kelly".

As to claims 19, 25 and 30, Yasuda discloses a data processing method

comprising the steps of:

a) acquiring a first stream (Fig. 10 (a), 20);

b) if a second stream (Fig. 10 (a), 21), of which the data is discontinuous with the first

stream (Fig. 11, Col. 12 lines 16-17) so that a unit in the first stream is incomplete (Fig.

13; Col. 9 lines 23-40), is acquired after the first stream, adding identification information

(Dummy data , Fig. 10 (a), 10a) to the end of the first stream;

c) acquiring the second stream after the identification information (Fig. 10 (a), 21);

d) decoding the first stream, the identification information and the second stream

in this order on the basis of a predetermined unit (Col. 9, lines 13-30);

e) determining whether or not the identification information is included in the unit

to be decoded in the step (d) (Col. 9, lines 60-67 and Col. 10, lines 1-26); and

 f) if the identification information has been detected, starting to decode the next unit

without outputting the data in the unit that is going to be decoded (Col. 11, lines 56-67,

Col. 12, lines 1-9).

Yasuda does not expressly wherein the first and second streams are transport

streams.

Kelly discloses wherein the first (PROG 1) and second (PROG 3) streams are

transport streams (Fig. 7).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine Yasuda with the teachings of Kelly. Motivation to combine would

have been to allow insertion of dummy data so that two separate streams could be

identified at the transport level of streams.

As to claims 20, 26 and 32, Yasuda and Kelly as modified disclose everything

claimed as applied in claim 19 above. In addition Yasuda discloses wherein the

inserting section inserts a dummy packet as the identification information and wherein

the dummy packet is replaced with an error code (Fig. 10(a)-10(e)).

As to claim 22, 29 and 34, Yasuda and Kelly as modified disclose everything

claimed as applied in claim 19 above. In addition Yasuda discloses wherein the

inserting section further inserts the identification information into the point where the

streams acquired by the stream acquiring section have their stream data discontinued

so that the unit in the first stream is incomplete (Figs. 10 (a) and 13; Col. 9 lines 23-40).

However Yasuda does not expressly disclose a unit in the beginning of the second stream is not a frame header.

Kelly discloses a unit in the beginning of the second stream is not a frame header (Fig. 7; 0061; 0066).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Yasuda with the teachings of Kelly. Motivation to combine would have been to allow insertion of dummy data so that two separate streams could be identified at the transport level of streams.

As to claims 23, 28 and 35, Yasuda and Kelly as modified disclose everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein the predetermined unit is picture data (Fig. 10(a), 23).

As to claim 24, Yasuda and Kelly as modified disclose everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein the stream is not split on the basis of the predetermined unit but on a different unit basis (Macroblocks, Fig. 13).

As to claim 27, Yasuda and Kelly as modified disclose everything claimed as applied in claim 25 above. In addition Yasuda disclose adding identification information to the end of the first stream further includes adding the identification to the beginning of the second stream (Fig. 10 a)

As to claims 31, Yasuda and Kelly as modified disclose everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein each of the first and second streams includes a number of units (I Pictures) and a portion of a unit (Fig. 6a-

6c), and the first and second streams are split at the portions of the unit (Col. 1, lines

60-67).

As to claim 36, Yasuda and Kelly as modified disclose everything claimed as

applied in claim 19 above. In addition Yasuda discloses wherein if the detecting section

has detected the identification information, the decoding section does not output an

incomplete data, which follows the identification information and is ahead of a next I-

frame header, when a unit of the beginning of the second stream is incomplete (Fig. 13;

Col. 9 lines 23-40; Col. 10 lines 43-65).

As to claim 37, Yasuda and Kelly as modified disclose everything claimed as

applied in claim 19 above. In addition Yasuda discloses wherein the incomplete data is

not a portion of an I-frame picture data (Col. 15, lines 10-21)

As to claim 38, Yasuda discloses a data processor comprising: a stream

acquiring section for acquiring first (Fig. 10 (a), 20) and second streams (Fig. 10 (a),

21);

an inserting section for inserting identification information(Dummy data , Fig. 10 (a),

10a) between the first and second streams that have been acquired by the stream

acquiring section;

a decoding section for sequentially decoding, on the basis of a predetermined unit, the

streams that have been acquired by the stream acquiring section and outputting

decoded data (Col. 9, lines 13-30); and

a detecting section for determining whether or not the identification information is

included in a unit that is going to be decoded by the decoding section,

wherein if the detecting section has detected the identification information, the decoding

section does not output the data in the unit that is going to be decoded and starts to

decode the next unit (Col. 9, lines 60-67 and Col. 10, lines 1-46), wherein the inserting

section inserts the identification information (Dummy data , Fig. 10 (a), 10a) into a point

where the streams acquired by the stream acquiring section have their stream data

discontinued so that a unit in one of the streams is incomplete (Fig. 13; Col. 9 lines 23-

40),

Yasuda does not expressly disclose wherein a beginning of the second stream is

not an I-frame picture header.

Kelly discloses wherein a beginning of the second stream (Program 1 or Program

3; Fig. 7) is not an I-frame picture header (Fig. 7; 0059-0061; 0066).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine Yasuda with the teachings of Kelly. Motivation to combine would

have been to allow insertion of identification information such that it could be

distinguished by the system that two or more different programs are included in a

transport stream.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. U.S. Patent Pub. 2002/0057288 A1 to Edmonds et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ASHER KHAN whose telephone number is (571)270-

5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks- Harold can be reached on (571)272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621